

Parish: Great Ayton
Ward: Great Ayton
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Committee date: 30th May 2019
Officer dealing: Mr M Pearson
Target date: 6th June 2019

18/02022/FUL

**Proposed agricultural building for cattle, farm machinery and other equipment
At land adjacent Angrove Plantation, Yarm Lane, Great Ayton
For Mr Leonard**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application was deferred at the 7th March 2019 Planning Committee upon the request from members for additional information on the business case and submission of a manure management plan. The agent has subsequently provided additional information as noted in paragraph 1.11 below.
- 1.2 The application site is located on an existing agricultural unit containing an agricultural building that was granted planning permission in 2014. The site is occupied by an open sided cattle building 30 x 13 metres in footprint constructed with concrete panels at the plinth level with timber boarding above. The building is orientated in a south-west - north-east direction and there is a large area of hardstanding situated to the south-west, south-east and north-east of the building. The site is not currently occupied and a new farming enterprise intends to occupy the site.
- 1.3 The site is located approximately 1 km north-west of Stokesley and is accessed by an unmade track from Yarm Lane, just off the A172. This gated access track is approximately 200 metres in length and provides access to the hardstanding situated to the north-east of the existing building.
- 1.4 The farming enterprise includes fields to the north-west and south-west of the existing buildings and brings the total area of the holding to 4 hectares. The wider landscape comprises agricultural land defined by hedgerows and isolated trees. Immediately to the south-west the site of is a woodland belt that screens public views of the existing buildings from the west along the A172. In other views from the west, views to the site are restricted by the intervening hedgerows. Views from Yarm Lane to the north and east of the site are again restricted by the intervening hedgerows. However, a glimpsed medium distance view towards the buildings on the site is possible from the west at field gate along Yarm Lane. To south-west of the site is a larger belt of woodland.
- 1.5 To the north-west of the site, at the junction of the side road with the A172 there is dwelling, Oak Manor - a detached house set in generous gardens, which is approximately 130 metres from the existing building on the site. Part of the gated access track runs adjacent the north-east boundary of Oak Manor.
- 1.6 The proposal is for a 250 square metre general purpose agricultural building that would be located to the south-west of the existing building in order to facilitate the new farming enterprise on the site. The new building will be used to store cattle, feed, straw, vehicles, machinery and other farming equipment.
- 1.7 The building would be enclosed on three sides with a concrete block plinth with profiled sheet cladding above. The pitched roof would also be covered in profiled sheeting. The north-east elevation that would face the existing building would remain open and has been designed as a lean-to element.

1.8 During the course of the application further information on the proposed farming enterprise was provided as noted below:

- The existing building at Rose Farm extends to 369sqm or thereabouts with an outside area, giving a total area available to accommodate livestock of 390 sqm. The proposed building is to be mainly for dry storage 8.892m x 18.288m and a lean-to, to accommodate livestock 4.446m x 18.288m, 81.31sqm. Thus, there would be a total of 471sqm of space available to accommodate livestock on the holding.
- Initially, the expanded holding would accommodate cattle of between 3 and 12 months of age and there would be sufficient space within the existing and proposed buildings to accommodate the enterprise. It is proposed to buy young stock in batches of around 5 per week at around 3 months of age and to retain them on the holding to around 12 months of age when they will be sold as strong store cattle. Once fully stocked there will be around 200 even aged cattle on the holding.
- The Applicant intends to buy dairy bred cattle – the progeny of Holstein or Friesian cows put to a Continental beef bull. However, the breed of stock purchased will depend upon the availability and the relative profitability of different breeds as the enterprise develops, and the enterprise will be refined as it develops.
- The lean-to part of the building, that is the subject of this application, would lend itself to conversion to calf rearing accommodation if required and this flexibility means that it would be possible to buy calves at a young age and rear them if the Applicant elected to follow that route.

1.9 Further information received from the agent regarding the size of the herd and use of the building, the details of how the manure would be managed and staff numbers involved:

The Officer's Report written in relation to the planning application for the existing building refers to providing accommodation for 15 to 20 cattle, although the report from Northern Agronomy doesn't state a number but appears to be making a case for the building to serve a pedigree livestock enterprise involving embryo transfers (i.e. low stock numbers). Stocked with 20 cows the stock would have 19.5 sqm per cow – a more typical figure would be 5 sqm per cow and another 1.5 sqm per calf, so the existing building is much larger than the original Applicant needed.

The Applicant intends to house young stock in the existing building, between 3 to 12 months of age. On that basis, the existing building has a capacity of 180 stock in total, specifically 60no. 3-6 months, 60no. 6-9 months and 60no. 9-12 months. The proposed building is mainly for dry storage 8.89m x 18.28m and a lean-to to accommodate livestock 4.45m x 18.28m, 81.3sqm. Consequently, there would be a total of 471sqm of space available to accommodate the anticipated 200 (max) livestock on the holding at 2.35 sqm per cow, which is sufficient for young livestock.

In addition to the recently extended application site, the applicant also has 44 acres of land at Guisborough Road, Great Ayton and 150 acres at nearby Quarry Hill Farm, Nunthorpe which would be used to spread manure.

1.10 Comments were also received from the end users who intend to occupy the site to confirm they operate in the farming business and are registered with both Animal Health England and The Rural Payments Agency. They also confirmed they are in possession of Herd Number for their existing cattle holding and have a County Parish Holding (CPH) number.

- 1.11 Further information on the business case and manure management plan was submitted to the LPA on the 20th May 2019 as noted below:

Planning permission is sought to erect a 250 sqm, general purpose agricultural building on the established agricultural holding. The lean-to part of the proposed building would lend itself to calf rearing accommodation, if required, but the proposed building is principally required for the storage of farm machinery and other equipment to be used in conjunction with the adjacent beef rearing shed, that was approved in 2014.

The Applicant intends to buy dairy bred cattle, the progeny of Holstein or Friesian cows put to a Continental beef bull. However, the breed of stock purchased will depend upon the availability and the relative profitability of different breeds as the enterprise develops, and the enterprise will be refined as it develops.

Initially, the expanded holding would accommodate cattle of between 3 and 12 months of age and there would be enough space within the existing and proposed buildings to accommodate the enterprise.

It is proposed to buy young stock in batches of around 5 per week at around 3 months of age and to retain them on the holding to around 12 months of age when they will be sold as strong store cattle.

Once fully stocked there will be around 200 even aged cattle on the holding. Defra's guidance document 'Caring for beef cattle and dairy cows' (2003) stipulates a minimum of 1.5 sqm of unobstructed space for calves up to 150kg, 2 sqm for calves between 150kg and 199kg and 3 sqm for calves 200kg and greater.

The existing building has a capacity of 180 stock in total, specifically 60no. 3-6 months, 60no. 6-9 months and 60no. 9-12 months. The proposed building is mainly for dry storage 8.89m x 18.28m and a lean-to to accommodate livestock 4.45m x 18.28m, 81.3sqm. Consequently, there would be a total of 471sqm of space available to accommodate the anticipated 200 livestock on the holding at 2.35 sqm per cow, which is enough for young livestock and would comply with Defra's guidance.

Notwithstanding the above, the Applicant will gradually grow stock numbers to a sustainable and workable number. The 200 figure is quoted as a maximum and should be treated as such. Crucially, the 2014 planning permission restricts livestock numbers to 35 within the existing building, so we would need to apply to vary that condition in order to increase livestock numbers on the site. Therefore, the Council will retain control over livestock numbers on the site. The Applicant would fully engage with the Council's Environmental Health Officer to agree a maximum number and ensure that best available techniques are applied in order to minimise any impact on neighbours.

The intention is for the Applicant to grow his own viable farming enterprise and not be reliant upon other family members, who own established farms at Nunthorpe. The Applicant's desire to build his own business should be commended as it squarely responds to the Council's own objectives to local support businesses and drive growth as detailed with the Economic Strategy 2014-24 entitled 'Hambleton – a place to grow'.

The Applicant has demonstrated a commitment to grow his own farming enterprise by purchasing an additional 2 hectares of land adjacent to the application site, during the course of the application. Consequently, Rose Farm now extends to 4 hectares. The Applicant intends to expand the holding further via the purchase of land close to Rose Farm but requires working capital from the farm in order to do so. The

proposed farm building is essential to this strategy, as it will allow for expansion of the existing business in terms of scale and turnover.

The existing building is too small to accommodate the proposed herd together with the necessary storage requirements silage, straw, supplementary animal feeds and equipment. Consequently, a brand new, fit for purpose agricultural building is required to suitably accommodate and expand the existing beef enterprise.

The Applicant's intention to expand the farm enterprise is considered to facilitate sustainable development that supports traditional land-based activities and is therefore considered to comply with the aims and objectives of the National Planning Policy Framework and policies CP4 and DP26 of the adopted Local Development Framework.

Appendix 1 contains a summary of the projected gross margin and cashflow analysis for the expanded enterprise. The summary is based upon 200 cattle which would achieve a projected stock sale price of £180K per annum. The anticipated gross margin is £40,800 following the deduction of fixed costs, including wages, the projected annual profit is £14,800 which would initially be reinvested into the enterprise via the acquisition of additional land and infrastructure improvements.

The Government's website www.gov.uk contains guidance on, amongst other things, appropriate farm management. To this end, the website contains a spreadsheet entitled 'Blank Field Record & Standard Values Tables'. Table 30 within the spreadsheet contains a useful calculator for nitrogen and excreta production from cattle (see Appendix 3). The main purpose of this table is to aid to control of manure spreading within nitrate vulnerable zones (NVZ). Whilst the application site does not fall within an NVZ, the table acts as a useful tool for assessing the amount of manure likely to be generated by the expanded enterprise and appropriate disposal of the manure.

Applying the guidance with the table, the expanded enterprise when fully stocked with 200 head would require 39.21 hectares of land (calculated on the basis of 1 hectare per 5.1 beef cow or steer (castrated male) from 2 months and less than 12 months). It is important that spreading takes place away from watercourses, so it is reasonable to factor in an oversupply of 25%, which equates to requirement of 49 hectares.

Straw based bedding will be mucked out around 6 - 8 times per year, and more frequently during the summer. Manure will be dry-stacked for a period of around 8 weeks (max).

The size, position and design of the dry-stacked manure can be controlled via a suitably worded pre-commencement condition. At this stage we would anticipate a covered store with a concrete base and blockwork wall, located within easy reach of the existing and proposed livestock buildings. There should be a very slight slope (1-3 percent) to allow the pile to drain toward a vegetated filter strip. Using a plastic tarp to cover the stockpile will help to reduce odour and flies. It also reduces the concern for leaching as it prevents rainwater from contacting and soaking through the pile. There would be no slurry on the site.

The enterprise has ongoing "muck for straw" deals with nearby farms including Greenhow Farm, Nunthorpe (17.8 hectares) and Quarry Hill Farm, Nunthorpe (60.7 hectares), which exceeds the 49 hectares of land required for spreading. In addition, the Applicant has an ongoing relationship with the Mr Donnelly at Bank Flow Farm, Great Ayton who disposes of manure on Mr Leonard's behalf and will continue to do so, whilst Rose Farm (the application site) has 4 hectares of land that can be used

(although not essential) subject to the approval of the Council's Environmental Health Officer.

Spreading will not take place during adverse weather conditions when the soil is waterlogged, the soil is frozen hard, or the field is snow covered or heavy rain is forecast within the next 48 hours. Additionally, spreading will be not take place at weekends or bank holidays.

2.0 RELEVANT PLANNING HISTORY

- 2.1 13/01233/FUL - Construction of an agricultural livestock/storage building and formation of hardstanding; Withdrawn 4 November 2013.
- 2.2 14/00739/FUL - Construction of agricultural building; Approved 24 October 2014.

3.0 PLANNING POLICY

- 3.1 The relevant policies are:

National Planning Policy Framework
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Development Policies DP6 – Utilities and Infrastructure
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP25 - Rural employment
Development Policies D26 – Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Core Strategy Policy CP17 - Promoting high quality design
National Planning Policy Framework – February 2019

4.0 CONSULTATIONS

- 4.1 Parish Council - The Parish Council has been consulted twice on this application. On both occasions the Council objected, expressing concern about building contents and associated numerous vehicular movements and requested evidence to show that a sustainable business can be run from the premises.
- 4.2 Environmental Health Officer - This service has further considered the potential impact on amenity and likelihood of the development to cause a nuisance. This response is therefore in addition to the previous response sent on the application.

The application for the adjacent building dated 27/05/2014 was permitted with a limited number of cattle however it appears that the applicant now wishes to significantly expand operations to include up to 200 cattle on site.

The planning support statement submitted with the application concludes that 'subject to normal good management, any harm arising from smells or noise issues would be no greater than might normally be tolerated in a rural location'. I have some concern about the potential impact of this intensification on local residents. The nearest property is approximately 130 metres away and there is a potential for odour and other nuisance to effect the neighbouring property.

Advice from the DEFRA suggests that smells from housed livestock and manure are usually strong up to 100 metres away. They further suggest that a distance of 400metres between the site and the nearest dwelling house would be advisable to prevent odour / nuisance problems. I would advise that the current distance is too close and should be increased, if possible, to a distance nearer to 400m away from any local resident.

Over the last Couple of years the Council has received an increasing number of complaints about flies at various sites. After examination, the species have been identified as the 'common house fly' which is associated with cattle or pig manure. (Each female fly can lay up to 150 flies at a time and these will become adults within 7 days at 30oC; the subsequent 70 female flies produced will repeat the process and within 3 weeks there can potentially be over a million from a single fly.

Storage of manure is one of the most important factors in preventing fly infestations. Even manure that is produced, transported and delivered in a dry, fly-free state can in some cases become infested and cause problems once stored in stockpiles on land. The source of the problem is often difficult to determine especially once manure is taken off site or stored in manure heaps on land and so controls over the management, storage and disposal are very important to prevent detrimental impact to the local amenity.

I would recommend that should the application be successful, the applicant be required to submit a waste management plan in writing and to be agreed by the local planning authority detailing how manure will be managed, stored and managed off site to prevent fly infestation. The agreed scheme shall be implemented and maintained for the duration of the planning permission.

- 4.3 Highway Authority – No objection based on 8-10 vehicle movements per day.
- 4.4 Public comments – Two letters of support and six objection letters that noted the following concerns:
- Matters relating to incorrect completion of the application forms and the resultant duty of the Council not to entertain the application;
 - Reference to Rose Villa Farm which is an address that does not exist;
 - The applicant is not in the farm business; concern about the storage of machinery;
 - Five acres is not enough land for the size of the enterprise;
 - The herd size would equate to many vehicle movements such as cattle trucks, farm worker, Vet, AA, Feed and hay deliveries, manure etc.;
 - Impact of the building on open countryside;
 - Concerns about the impact on the countryside, ecosystems and landscape;
 - Impact on wildlife;
 - Rural employment issues;
 - Concerns regarding water supply, waste and slurry; and
 - Concern about traffic at the A172 junction.

5.0 OBSERVATIONS

- 5.1 The main issues are; i) whether the principle of the development is appropriate in this location; ii) whether the proposed development will have a detrimental impact on the character of the countryside; iii) whether the proposed development will have any harmful impact on residential amenity; and iv) whether the proposed development will have any detrimental impact on road safety.

Principle including farming need

- 5.2 The proposed building is located on an agricultural enterprise that was granted planning permission in 2014. Therefore the main issue to consider in this application relates to the expansion of the existing business on the site. Policies contained within the Hambleton Local Development Framework promote rural enterprises to meet the needs of farming, as set out in Policy CP4. In addition, paragraph 83 of the 2019 NPPF supports "the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings." Development Policy DP26 is supportive of related agricultural development where it helps to sustain an existing enterprise and otherwise complies with Local Development Framework policy.
- 5.3 Following the deferral of the application, the applicant has set out further detailed supporting information with regard to the farming practice proposed on the site and the business model proposed. Given the scale and form of the buildings and the proposed farming practice as set out in earlier paragraphs above the form and size of building proposed is considered to be justifiable.
- 5.4 The agent clarified that the enterprise on the site would comprise store cattle within the existing and proposed buildings as noted above. It is noted that the surrounding land, including the additional land to the north of the existing building, provides a total site area of 4 hectares.
- 5.5 The agent has clarified that the total floor area of 471sqm of space available to accommodate the anticipated 200 (max) livestock on the holding would equate to 2.35 sqm per cow. Whilst this seems to be an extremely small area, this is deemed acceptable given the young stock on the holding that would be moved from the holding at 12 months of age.
- 5.6 It is therefore considered that the provision of an additional building to support a farming enterprise on an existing site is acceptable in principle and is in accordance with Development Policy DP26.

Character of the Countryside

- 5.7 In terms of the visual impact of the proposed building, it is considered that it is appropriately sited close to the existing buildings on the site. Public views of the existing buildings on the site are limited to a glimpsed view through field gates from Yarm Lane to the east. In any event, views of agricultural buildings in the open countryside are to be expected and are a common feature of the district. It is therefore considered that the proposed building is well positioned and is of a suitable size and design for its location. It is therefore considered that the proposed development satisfies Local Development Framework policies CP16, CP17, DP30 and DP32.
- 5.8 A concern was raised in representations about the potential impact on the adjacent woodland habitat. However, this was not considered to be an issue during the last application when the original building was granted planning permission and the current proposal is not considered to have any detrimental impact on the adjacent woodland or its ecology.

Residential Amenity

- 5.9 With regard to the amenities of nearby occupiers, the site is approximately 130 metres from a non-agricultural dwelling (Oak Manor). Due to the distance of the house from the development together with the design of the proposed building it is considered the development would not cause harm to the loss of privacy and outlook of the property.
- 5.10 However, the proximity of the building to the house could give rise to amenity concerns if large numbers of cattle were housed in the building, in particular with regard to nuisance that might arise from poor waste management. A consultation response from the Environmental Health Team is awaited.
- 5.11 The access track to the site passes the north-west boundary of Oak Manor. The track is approximately 35 metres from the dwelling and is separated by part of the garden area. The boundary is defined by an approximately 1.8 metre high timber fence. It is therefore considered that the limited vehicle movements (8-10 trips per day) along the access track will not be unacceptably harmful to the amenities of this property.
- 5.12 Concern has been expressed about the potential for smell nuisance from the storage of manure. The agent has clarified that that manure will be dry stacked for a period of 8 weeks and then spread on land currently in the applicant's control, which comprises 4 hectares at Rose Farm (the application site), 44 acres of land at Guisborough Road, Great Ayton and 150 acres at nearby Quarry Hill Farm, Nunthorpe. Storage and management of manure can be controlled through a suitably worded condition that would require a manure management plan to be submitted to and approved by the Local Planning Authority, prior to the site being brought into use. The applicant has provided additional information on manure storage and subject to compliance with the manure management plan is considered to be acceptable.
- 5.13 The matter of water supply by bore hole and mains water supply is deemed acceptable and is ultimately covered by other legislation. The proposed development is considered to comply with Development Policy DP6.

Highway Safety

- 5.14 With regard to highway safety, no issues were raised during the previous application and the site has operated since the approval of the application. The access from the site onto Yarm Lane and the access from Yarm Lane onto the main road has not been raised by the Highway Authority as a safety concern in their consultation response to the current application. It is considered that the proposed development will have no detrimental impact on road safety.

Other Matters

- 5.15 A number of matters have been raised in representations with regard to the content and legality of the submission, in particular relating to ownership and the completion of the forms and other supporting information.
- 5.16 Officers have clarified with the agent regarding the details of the applicant and ownership of the site and are satisfied that following clarification the LPA has carried out sufficient due diligence to be in a position to entertain the application. The agent has clarified that the applicant's details are correct and that the correct notices have been served upon the land owners.
- 5.17 Representations have raised the question of the use of a farm name that does not yet exist. Whilst this may be the case, it is not a material planning consideration. Should

planning permission be granted, the operator would need a postal address for the site and could request one.

- 5.18 The background of the applicant is not a material planning issue in determining the application. However, the intended end user of the site has provided information on their herd and holding numbers in order to provide the LPA some comfort regarding the use of site. Concern has also been raised that the buildings on the site would be used for the storage of non-agricultural machinery. If this was the case, this can be controlled through the planning system as this would require a change of use planning application.

Planning Balance

- 5.19 The applicant has provided sufficient justification for the proposed business on the application site and due to its siting and design the proposed development is considered to be appropriate for its intended agricultural purpose and will not have a harmful effect on the open character of the rural surroundings or the amenities of neighbouring occupiers and is able to comply with the policies set out above.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered; Location Plan received by Hambleton District Council on 27 November 2018 and proposed site plan, and Elevation and Floor Plan, received on 21 September 2018 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to the use of the building hereby approved a manure management plan shall be provided in writing to and approved by the Local Planning Authority. The development shall then be managed in accordance with the approved details.
4. The development hereby approved shall be used for agricultural practices as set out in the applicant's supporting statement and not for any other purpose.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP 17 and DP32.
3. In order to protect the residential amenity of local residents and to accord with the requirements of Development Policy DP1.
4. In order to ensure that the use of the site is not detrimental to local residential amenity and to ensure compliance with Development Policy DP1.